

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number

Q88256

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450 Alexandria, VA 22313-1450

Application Number

10/539,010

Filed

June 15, 2005

First Named Inventor

Hiroaki YAMADA

Art Unit

2839

Examiner

Vladimir Imas

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

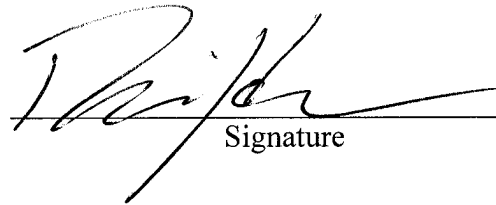
This request is being filed with a notice of appeal

The review is requested for the reasons(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

☒ I am an attorney or agent of record.

Registration number 32,778



Signature

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February 2, 2007

Date

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q88256

Hiroaki YAMADA, et al.

Appln. No.: 10/539,010

Group Art Unit: 2839

Confirmation No.: 7398

Examiner: Vladimir Imas

Filed: June 15, 2005

For: CASSETTE RELAY BLOCK ATTACHEMENT STRUCTURE

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the new Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated August 2, 2006, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

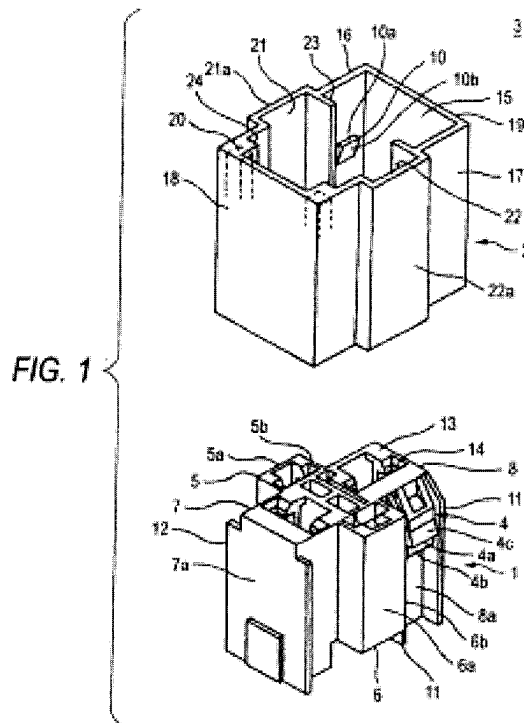
Claim 1 recites¹:

A cassette relay block attachment structure comprising:

a cassette relay block (1) having a lock portion (4) disposed inwardly of an outermost wall surface of the cassette relay block, the cassette relay block (1) being inserted into a space surrounded by peripheral walls on an attaching member (2), said cassette relay block being fixed by the lock portion (4) and a locked portion (10) located on the peripheral wall side of the attaching member.

¹ Reference numerals have been added to assist the Examiners.

Accordingly, one of the novel features recited in claim 1 is that the lock portion associated with the cassette relay block is located inwardly of the outermost wall surface of the cassette. As described in the specification “the respective lock arms 4 are located more inside than outermost front and rear wall surfaces 5a and 6a of the front and rear terminal housing parts 5 and 6 (without protruding outward in the front and rear directions from the front and rear outer wall surfaces)” resulting in a more compact connector. Page 12, lines 14-19, page 4, lines 1-7 and Fig. 1, below:



The Examiner has rejected claims 1-4, 6-8, 10-12, and 16-20 under 35 U.S.C. § 103(a) as being obvious over Suzuki (U.S. Patent No. 6,443,779). Additionally, the Examiner has rejected claims 5 and 13-15 under 35 U.S.C. § 103(a) as being obvious over Suzuki in view of Polgar et

al. (U.S. Patent No. 5,902,155) and rejected claims 9, 21, and 22 under 35 U.S.C. § 103(a) as being obvious over Suzuki in view of Okabe et al. (U.S. Patent No. 6,375,517).

Applicants submit that the rejection is improper. Indeed, it is submitted that the rejection is improper on its face and the reasoning does not support a prima facie case. With reference to Fig. 1 of Suzuki below, in rejecting claim 1, the Examiner contends that the connector 15 of Suzuki corresponds to the cassette relay block having a lock portion 21 and that the cover 11 corresponds to the claimed attaching member having a locked portion 23.

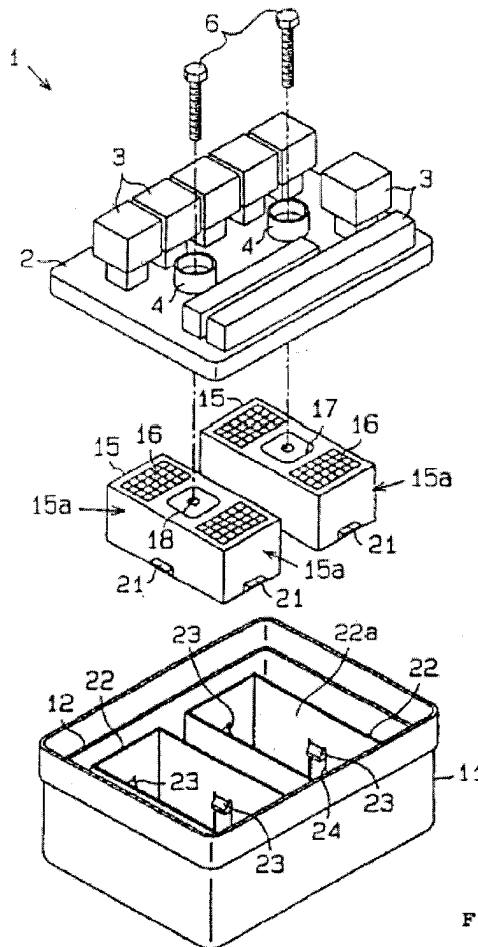


FIG. 1

However, the remaining portion of the rejection is difficult to understand. Specifically, the Examiner states as follows:

However, Suzuki discloses a locked portion [23] disposed inwardly of an outermost wall surface of the cassette relay block [15] and the lock portion [21] located on peripheral wall side of the attaching side, which is reversal to the claimed cassette relay block attachment structure. It has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167.

Applicants submit that there are a number of problems with this analysis.

First, the Examiner is incorrect when he states that “Suzuki discloses a locked portion [23] disposed inwardly of an outermost wall surface of the cassette relay block [15].” Indeed, referring to Figure 1 of Suzuki it can be seen that element 23 is actually part of the lower cover 11 (which the Examiner analogizes to the attaching member), and not the connector 15 (which the Examiner analogizes to the cassette relay block). Thus, on its face this portion of the rejection is improper.

Second, the Examiner further states that “Suzuki discloses...the lock portion [21] located on the peripheral wall side of the attaching side....” However, the projections 21 are part of the connector 15 (which the Examiner analogizes to the claimed cassette relay block) and not to the attaching member, as the Examiner asserts. Thus, this portion of the Examiner’s rejection is likewise improper on its face.

To the extent that Applicants can understand the rejection, it appears that the Examiner is taking the position that the claimed invention merely involves the reversal of working parts of the device disclosed in Suzuki. However, Applicants do not agree with this position or, for that matter, understand it. For example, if one were to reverse the locking parts disclosed in Suzuki, one would simply reverse the locking pieces 23 for the locking projections 21. However, even this modification would not result in the claimed invention because the lock portion of the connector (which the Examiner analogizes to the cassette relay block) would still be on the outside of the outermost wall surface of the connector 15, in contrast with the requirement of claim 1 that it be disposed inwardly of the outermost wall surface. Thus, merely reversing the


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locking projection 21 for the locking pieces 23 would not result in the claimed invention. Further, Applicants cannot see how one would place the lock portion on the connector 15 such that it is disposed inwardly of the outermost wall surface.

Furthermore, the case cited by the Examiner, *In re Einstein*, is not on point. In that case, the court merely held that the arrangement in which a cam follower is attached to a moving spindle and the inner sleeve has the cam groove would have been unobvious over the opposite arrangement. However, this holding certainly does not support the position that it would have been obvious to redesign the electrical connection box of Suzuki so that the projections 21 are disposed inwardly of the outermost wall surface, rather than on the outside of the outermost wall surface, as disclosed in Suzuki.

Accordingly, it is respectfully submitted that the Examiner has failed to establish a prima facie case of obviousness with respect to claim 1. Thus, it is submitted that claim 1, and its dependent claims, are allowable.

Respectfully submitted,



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Date: February 2, 2007